

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) Docket No. 12-0604
)
Brice Edwin "Eddie" Baucom,)
and Carl Proctor Dean,)
Respondents) Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Respondent Brice Edwin "Eddie" Baucom is an individual whose mailing address is 1713 Brief Road East, Monroe, NC 28110.

B. At all times material hereto, respondent Brice Edwin "Eddie" Baucom was the trainer of the horse known as "I'm Rocky Balboa" and exhibited this horse as Entry No. 748, Class No. 50, on June 20, 2009, at the East Tennessee Walking Horse Classic Horse Show at White Pine, Tennessee.

C. At all times material hereto, respondent Brice Edwin "Eddie" Baucom was the trainer of the horse known as "I'm Rocky Balboa" and exhibited this horse as Entry No. 287, Class No. 73B, on August 29, 2009, at the 71st Annual Tennessee Walking Horse National Celebration at Shelbyville, Tennessee.

D. Respondent Carl Proctor Dean is an individual whose mailing address is 107 Rafael Drive, Cary, NC 27511.

E. At all times material hereto, respondent Carl Proctor Dean was an owner of the horse known as "I'm Rocky Balboa" and exhibited this horse as Entry No. 748, Class No. 50, on June 20, 2009, at the East Tennessee Walking Horse Classic Horse Show at White Pine, Tennessee.

F. At all times material hereto, respondent Carl Proctor Dean was an owner of the horse known as "I'm Rocky Balboa" and exhibited this horse as Entry No. 287, Class No. 73B, on August 29, 2009, at the 71st Annual Tennessee Walking Horse National Celebration at Shelbyville, Tennessee.

II

A. On June 20, 2009, respondents Brice Edwin "Eddie" Baucom and Carl Proctor Dean, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), exhibited the horse known as "I'm Rocky Balboa" as Entry No. 748, in Class No. 50, at the East Tennessee Walking Horse Classic Horse Show at White Pine, Tennessee, while the horse was sore by virtue of being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

B. On August 29, 2009, respondents Brice Edwin "Eddie" Baucom and Carl Proctor Dean, in violation of section 5(2)(A) of the Act (15 U.S.C. § 1824(2)(A)), exhibited the horse known as "I'm Rocky Balboa" as Entry No. 287, in Class No. 73B, at the 71st Annual Tennessee Walking Horse National Celebration at Shelbyville, Tennessee, while the horse was sore by virtue of

being scarred as defined in section 11.3 of the regulations issued pursuant to the Act (9 C.F.R. § 11.3).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying the respondents for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 24th day of August, 2012

Acting

Administrator
Animal and Plant Health
Inspection Service

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